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SUSAN T. SOULIER
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

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United States District Court
Northern District of California

LATONYA R FINLEY,
Plaintiff,

Case No.: **C20-4888**

SK

vs.

DEMAND OF JURY TRIAL

YOUTUBE, LLC ,
Defendant

COMPLAINT

COMES NOW the plaintiff LaTonya R. Finley, hereby allege against all
defendants as follows:

THE PARTIES

1. Plaintiff LATONYA R. FINLEY is now, and at all time relevant herein, has been, a resident of the State of California, County of Alameda
2. Defendant YouTube us a Delaware Limited Liability Company with its principal place of business in San Bruno, California.

JURISDICTION AND VENUE

This Court has original and exclusive jurisdiction for this matter under 28 U.S.C. § 1338 as this is a civil action arising under an Act of Congress governing copyrights, specifically under 17

DEMAND OF JURY TRIAL - 1

1 U.S.C. § 512(f) of the Copyright Act. 4. Venue in this judicial district is proper under 28 U.S.C.
2 § 1400(a) as this is a district in which the defendant resides or may be found.

3 4 **FACTUAL ALLEGATIONS**

5 Defendants have repeatedly violated the DMCA requirements for copyright takedown, by
6 failing to provide the registered agent information, such as: full name, phone number, and email
7 as required by DMCA. This lawsuit seeks to hold YouTube accountable for the misconduct,
8 negligent and for the damage YouTube has caused to the creator.

9 On or about May 4, 2020, plaintiff received a copyright takedown notice
10 from the automated service from YouTube; indicating, "That Pixel World Roleplay LTD
11 submitted a copyright claim against plaintiff's channel and that plaintiff had a copyright strike
12 against her channel. YouTube automated service provided no contact information of the
13 copyright owner and no specifics as to what content was being infringe upon. When plaintiff
14 responded to the automated service about the copyright takedown, YouTube automated service
15 responded, "We haven't been able to process your counter notification given the information you
16 have provided us".

17
18 The automated email only allows the alleged infringer so many characters to
19 respond to an incomplete copyright takedown that don't provide any specifics information, no
20 contact information as to the copyright owner, no information as to what the infringer infringed
21 upon. YouTube, as the online service provider; do not provide a registered agent for the alleged
22 infringer to make contact, just an automated system that is program to identify certain keywords;
23 in which in response YouTube will respond with a generic message.
24

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26 As an online service provider, YouTube have mandatory requirements that must
27 be adhered to before alleged copyright material can be taken down; and if those guidelines are
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1 not followed by the online service provider the online service provider lose it rights to “safe
2 harbor”.

3 The plaintiff has no way of holding the alleged copyright owner for knowingly
4 misrepresenting material or activity that is false. Therefore, the plaintiff material is removed or
5 disabled without any consequences and despite the counter response of plaintiff plea of the false
6 claim filed; YouTube ignores the abusive behavior of the alleged copyright owner and the
7 plaintiff suffer adverse consequences, as the material may or may not be activated.
8

9 YouTube will continue to punish the creators from alleged copyright infringement
10 from unknown copyright owners that has no identifying information for the creators to file suit
11 against abusive behavior that create irreparable harm. YouTube as the service provider has an
12 obligation that the plaintiff has the necessary information to file its complaint before the on any
13 false information that has been submitted that has injury to the plaintiff. Injunctive relief is
14 necessary to prevent irreparable harm to plaintiff.
15

16 Wherefore, plaintiff prays for relief as set forth below.
17

18 PRAYER FOR RELIEF

19 PLAINTIFF prays:

- 20 1. For an award of compensatory damages in an amount to be proven at trial arising
21 from Defendants’ violation of 17 U.S.C. §512;
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23 2. For an award of its costs and reasonable attorneys’ fees
24
25 3. For preliminary injunctive relief barring YouTube from continuing to allow a strike
26 against plaintiff’s channel from Pixel World LTD and all those in active concert with
27 Pixel World LTD from submitting notices of alleged infringement to YouTube that
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- 1 misrepresent that material on the YouTube service is infringing copyrights held or
2 claimed to be held by Pixel World or anyone Pixel World claims to represent;
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4 4. For such other, further, and different relied as the Court deems proper under the
5 circumstances.

6 Dated this 20th of July 2020.

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LaTonya R. Finley-Sui Juris
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